

1 MARC S. CWIK
Nevada Bar No. 006946
2 Marc.Cwik@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
3 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
4 Telephone: 702.893.3383
Facsimile: 702.893.3789

5 *Attorneys for Defendant*
6 *Lowe's Home Centers, LLC*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ***

11 DENNIS SIETE, an individual,
12 Plaintiff,

13 vs.

14 LOWE'S HOME CENTERS, LLC, a foreign
limited-liability company; DOE
15 INDIVIDUALS I-X, inclusive; and ROE
CORPORATION I-X inclusive,
16 Defendant.

CASE NO. 2:22-cv-00445-JCM-MDC

**STIPULATION AND
ORDER TO STAY PROCEEDINGS
PENDING OUTCOME OF SCHEDULED
MEDIATION**

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18 Pursuant to LR 7-1 and LR IA 6-2, the parties, by and through their respective counsel of
19 record, hereby enter into the following stipulation to stay proceedings pending the outcome of
20 mediation scheduled by the parties, which also provides this Court with an update concerning the
21 status of this matter to demonstrate the Parties' good faith efforts in completing discovery and
22 agreeing to attempt alternative dispute resolution.
23

24 **RECITALS**

- 25 1. Plaintiff Dennis Siete ("Plaintiff") filed his Complaint in the Clark County District
26 Court, State of Nevada, on February 3, 2022.
- 27 2. Lowe's filed its Answer to Plaintiff's Complaint on March 1, 2022.
- 28 3. On March 10, 2022, Defendant Lowe's Home Centers, LLC ("Lowe's") timely filed

1 a Notice of Removal to this Court [ECF No. 1].

2 4. On April 8, 2022, the Parties filed a Joint Status Report Regarding Removal [ECF
3 No. 6].

4 5. On April 15, 2022, the Parties, through their respective counsel of record, attended
5 the Early Case Conference.

6 6. On April 28, 2022, Plaintiff served his Initial Disclosure Statement (pursuant to
7 FRCP 26(a)(1)).

8 7. On May 6, 2022, by agreement of the parties, Lowe's served its Initial Disclosures
9 Pursuant to FRCP 26(a)(1).

10 8. On May 6, 2022, the Parties submitted their Proposed Joint Discovery Plan and
11 Scheduling Order [ECF No. 7].

12 9. On May 10, 2022, Plaintiff served his First Supplemental Disclosure Statement
13 (pursuant to FRCP 26(a)(1)).

14 7. On May 10, 2022, this Court entered as an Order the Parties' Joint Discovery Plan
15 and Scheduling Order [ECF No. 8].

16 8. On July 1, 2022, Plaintiff served his Second Supplemental Disclosure Statement
17 (pursuant to FRCP 26(a)(1)).

18 9. On August 4, 2022, Plaintiff served his Third Supplemental Disclosure Statement
19 (pursuant to FRCP 26(a)(1)).

20 10. On August 22, 2022, Plaintiff served his Fourth Supplemental Disclosure Statement
21 (pursuant to FRCP 26(a)(1)).

22 11. On August 30, 2022, this Court entered the Parties' Agreed Order of Protection [ECF
23 No. 10].

24 12. The Parties each have served and received responses to written discovery.

25 13. On October 13, 2022, the Parties submitted their [proposed] Stipulation and Order to
26 Extend Discovery Plan and Scheduling Order (First Request) [ECF No. 12] which was signed by
27 the Magistrate on October 14, 2022 [ECF No. 13].
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1 14. On November 22, 2022, Lowe's served its First Supplement to FRCP 26 Disclosures.

2 15. On December 21, 2022, Plaintiff served his Fifth Supplemental Disclosure Statement
3 (pursuant to FRCP 26(a)(1)).

4 16. On January 26, 2023, Lowe's served its Second Supplement to FRCP 16.1
5 Disclosures (pursuant to FRCP 26(a)(1)).

6 17. On February 7, 2023, Lowe's served its Third Supplement to FRCP 16.1 Disclosures
7 (pursuant to FRCP 26(a)(1)).

8 18. On February 8, 2023, the Parties submitted their [proposed] Stipulation and Order
9 to Extend Discovery Plan and Scheduling Order (Second Request) [ECF No. 14] which was signed
10 by the Magistrate on February 9, 2023 [ECF No. 14].

11 19. On February 8, 2023, Plaintiff served his Sixth Supplemental Disclosure Statement
12 (pursuant to FRCP 26(a)(1)).

13 20. On February 8, 2023, Plaintiff served his Designation of Expert Witnesses (pursuant
14 to FRCP 26(a)(1)).

15 21. On April 19, 2023, Plaintiff served his Eighth Supplemental Disclosure Statement
16 (pursuant to FRCP 26(a)(1)).

17 22. On May 12, 2023, the Parties submitted their [proposed] Stipulation and Order to
18 Extend Discovery Plan and Scheduling Order (Third Request) [ECF No. 17] which was signed by
19 the Magistrate on May 15, 2023 [ECF No. 18].

20 23. On May 23, 2023, Plaintiff served his Ninth Supplement to Rule 26 Disclosures.

21 24. On July 7, 2023, the Parties submitted their proposed Stipulation and Order to
22 conduct a Rule 35 Examination of the Plaintiff [ECF No. 19] which was signed by the Magistrate
23 on July 11, 2023 [ECF No. 20].

24 25. On July 24, 2023, Dr. Clive Segil performed the Rule 35 Examination of Plaintiff in
25 Las Vegas, Nevada and on August 23, 2023, Lowe's produced the Report of the Rule 35
26 Examination of the Plaintiff.

27 26. On July 26, 2023, Plaintiffs served their Tenth Supplemental Disclosures pursuant
28 to FRCP 26(a)(1).

1 27. On August 1, 2023, Lowe's served their Fourth Supplemental Disclosures pursuant
2 to FRCP 26(a)(1).

3 28. On August 23, 2023, Lowe's served their Fifth Supplemental Disclosures containing
4 the additional medical records pursuant to FRCP 26(a)(1) and report from the Rule 35 Examination
5 performed by Dr. Clive Segil pursuant to Stipulation and Order signed by this Court. ECR No. 20.

6 29. On August 23, 2023, Lowe's served their Initial Designation of Expert Witness
7 pursuant to FRCP 26(a)(2).

8 30. Plaintiff noticed the depositions of Lowes present and former employees but has
9 continued them due to witness availability.

10 30. On November 7, 2023, Lowe's served its Sixth Supplement to FRCP 16.1
11 Disclosures (pursuant to FRCP 26(a)(1)).

12 31. On November 21, 2023 Lowe's took the deposition of Plaintiff, Dennis Siete.

13 32. On December 21, 2023, the Parties reached an agreement to schedule a mediation
14 conference in this matter with Floyd Hale, Esq. at JAMS in Las Vegas, Nevada. Floyd Hale, Esq.'s
15 soonest availability workable for the Parties' respective counsel in this matter is January 30, 2024.

16 33. A mediation conference has now been scheduled by the Parties at JAMS on January
17 30, 2024 beginning at 9:00 a.m.

18 34. The current Initial Expert Disclosures are due on February 6, 2024, the Rebuttal Expert
19 Disclosures are due on March 8, 2024, discovery cut-off deadline in this matter is April 5, 2024; the
20 dispositive motion deadline is currently May 7, 2024; and the Joint Proposed Pretrial Order is
21 currently due June 6, 2024.

22 35. In the interests of judicial economy and to allay ongoing litigation expenses and costs,
23 the Parties are desirous of staying further litigation in this case pending the outcome of the scheduled
24 mediation conference.

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STIPULATIONS

Based upon the above recitals and summary of the case status, and good cause existing, the Parties hereby enter into the following Stipulations:

1. In the interests of judicial economy, to allay litigation expenses and costs, and to allow the Parties to focus their efforts on the mediation currently scheduled for January 30, 2024, the Parties stipulate to have a Stay of Proceedings entered by this Court.
2. Within one (1) week after the conclusion of the mediation, the Parties stipulate to file a Status Report advising the Court of the outcome of same, in accordance with the following terms:
 - a. If the case settles at the mediation conference, the Joint Status Report will advise the court of the anticipated time in which they expect to have dismissal paperwork submitted to the Court.
 - b. If the case does not settle at the mediation conference, the Joint Status Report shall request the Court to order the remaining discovery deadlines, dispositive motion deadline, and pre-trial order deadline, to the following dates:

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EVENT	CURRENT DEADLINE (ECF No. 37)	PROPOSED NEW DATES (extended 90 days)
Amend Pleadings/Add Parties	(no change)	(no change)
Initial Expert Disclosures	February 6, 2024	May 6, 2024
Rebuttal Expert Disclosures	March 8, 2024	June 6, 2024
Close of Discovery	April 5, 2024	July 5, 2024
Dispositive Motions	May 7, 2024	August 5, 2024
Pre-Trial Order	June 6, 2024	September 4, 2024

DATED this 10th day of January, 2024.

DATED this 10th day of January, 2024.

LEWIS BRISBOIS BISGAARD & SMITH

THE PAUL POWELL LAW FIRM

/s/ Marc S. Cwik

/s/ Traysen N. Turner

Marc S. Cwik, Esq.
Nevada Bar No. 006946
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

Traysen Turner, Esq.
THE PAUL POWELL LAW FIRM
8918 Spanish Ridge Ave., Suite 100.
Las Vegas, Nevada 89148

Attorneys for Defendant

Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: January 12, 2023

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP and that on this 10th day of January, 2024, I did cause a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS PENDING OUTCOME OF SCHEDULED MEDIATION** to be served via the CM/ECF filing system or mail to the following.

Paul D. Powell, Esq. Ryan T. O'Malley, Esq. Tom W. Stewart, Esq. Jared D. Powell, Esq. Traysen N. Turner, Esq. The Powell Law Firm 8918 Spanish Ridge Avenue, Suite 100 Las Vegas, Nevada 89148 paul@tplf.com romalley@tplf.com tstewart@tplf.com jared@tplf.com tturner@tplf.com Phone: 702.728.5500 Facsimile: 702.728.5501	
<i>Attorneys for Plaintiff</i>	

/s/ Adrina Harris

An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP